

COURT OF INQUIRY

Will be Ordered by President to Determine. THE EXACT RESPONSIBILITY. In Regard to the Charges and the Counter-Charges. ABOUT THE 'EMBALMED BEEF'.

That, it has been Alleged, was Served to the Army--The Difference Between a Court Martial and Court of Inquiry--Should the Charges of General Miles Fall to be Established he may be Obligated to Answer to a Court Martial--Wide Range of Present Proceedings.

WASHINGTON, Feb. 3.--The purpose of the President to terminate the unsatisfactory state of affairs that has existed for some time as the result of the numerous charges and counter-charges and interviews respecting the character of the army beef, by instituting a formal inquiry into these matters and endeavoring to place the responsibility where it belongs, was made known to-day.

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Because of this when the navy department requested the war department to order a court of inquiry to investigate the circumstances of the killing of a number of Spanish prisoners on board the Havana, the war department ordered an inspection board, considering that the ordering of a court of inquiry might be looked upon as a preliminary step.

President's Position. It is not possible at present to learn in which direction the President leans, but he has been in conference on the subject with the attorney general and the matter has been discussed in the cabinet to some extent.

A Positive Belief. That Eagan's Sentence, while Severe, will be Mitigating in its Effect. WASHINGTON, Feb. 2.--There is almost a positive belief among army officials that there will be a mitigation of the sentence imposed by the court martial which tried Commissary General Eagan.

HEPburn BILL. To be Substituted in House for Nicaragua Canal Bill. WASHINGTON, Feb. 3.--The house committee on interstate and foreign commerce to-day directed a favorable report on the Hepburn Nicaragua canal bill, with amendments, to a subcommittee for the Morgan bill passed by the senate.

Change in Interior Department. WASHINGTON, Feb. 3.--The change in the head of the interior department is expected to occur the middle of this month, though no definite word has been received from Ambassador Hitchcock.

Refuses to Interfere. ALBANY, N. Y., Feb. 3.--Under the rule of the court of appeals to-day handed down on an order directing the warden of Sing Sing prison to execute Mrs. Martha Place some time during the week beginning February 29.

Refutation of Spaniards. WASHINGTON, Feb. 3.--While no official statement has been made of the bid for the repatriation of the Spanish prisoners in the Philippines, it has been broadly decided to give the contract to the Compania Transatlantica, other known as the Spanish Transportation Company.

GENERAL WHEELER'S SEAT

In Congress Declared Vacant by House Judiciary Committee--Other Officers Included. WASHINGTON, D. C., Feb. 3.--The inquiry ordered by the house of representatives as to what members had forfeited their seats by reason of accepting other offices, ended to-day with a finding by the judiciary committee that Major General Wheeler, a member from Alabama; General James R. Campbell, of Illinois; Colonel David G. Colson, of Kentucky; and Major Edward E. Hobbs, of Pennsylvania, had vacated their seats in the house by accepting commissions in the army.

The judiciary committee has been conducting the inquiry for several days after an arduous session ending at 2:30 p. m. The committee first had removed and General Henderson, chairman of the committee, made the following statement summing up what had been done: "The committee find that Joseph Wheeler, Edward E. Hobbs, David G. Colson and James R. Campbell, after being qualified as members of the congress, and acting as such, having accepted commissions in the United States army, then and there vacated their seats in the Fifty-fifth Congress."

IN CONGRESS.

Senate Listens To Five Hours of Oratory Against the Treaty--Filibustering Succeeds in the House. WASHINGTON, Feb. 2.--For more than five hours to-day the senate listened to arguments in opposition to the expansion and in opposition to the ratification of the treaty of peace.

Most of the time of the house during the three hours' session to-day was consumed in filibustering against relief bills on the calendar. The filibuster was finally successful, and the house adjourned without taking up the bills. The conference report on the diplomatic appropriation bill was adopted.

CHANGING THEIR TUNE.

Opponents of Peace Treaty who were Anxious for a Vote, now Refuse to Agree on Certain Conditions. WASHINGTON, Feb. 3.--The controversy in the senate over the treaty upon the various resolutions interpretive of the peace treaty took an acute turn late to-day. The opposition to a vote first came from the friends of the treaty who hold to the theory that it could be ratified without compromise.

Some Other Bills. There is a very peculiar bill in the house, introduced by Mr. O'Brien, of West, entitled "to prevent mixed trains." The object of the bill is to prohibit railroads from running what are known as accommodation trains.

Appropriation Hold-up. That threat of the Democrats to cut off the administration without a cent if Mr. Kildie is not elected is not affecting the Republican members in the least. They say they are going to give the case the most fair and impartial investigation.

Family Charged With Lunacy. Special Dispatch to the Intelligencer. CHARLESTON, W. Va., Feb. 3.--The family of S. H. Ellenwood, a retired photographer of this city, consisting of himself, wife and two daughters, was taken into custody on a charge of insanity. They have been eating very strangely for some time, imagining they were being pursued. When the officers went to arrest them they barricaded the doors.

Recognize the Buff. COLUMBUS, O., Feb. 3.--The threat of the Akron schoolteachers to close all the schools of that city has called forth a challenge from the Ohio Anti-Saloon league, which says: "We recognize this as an old bluff of the liquor league, often threatened, but never carried out, believing if Akron were really to have two years of no saloons they would never permit their return."

Refused to Serve. Democratic Committee-man to Help Investigate Kidd-Morris Case. Special Dispatch to the Intelligencer. CHARLESTON, W. Va., Feb. 3.--A sub-committee, consisting of Messrs. Smith and White, of the senate committee on privileges and elections, left this evening for Parkersburg, to recount the ballots cast in Wood county for Morris and Kidd. Mr. Cornwell, Democrat, was the third member of the committee, but he refused to go. Senator Cornwell's refusal to take part in the recount was taken in accordance with the policy adopted by the Democrats this morning.

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THE CONSTITUTION.

Report of the Revision Commission Excites Opposition. SOME HAVE OTHER PLANS. Among Which is one for a Constitutional Convention--Why the Latter Proposition is Opposed--Senator East Opposes the Measure to Abolish the Preparatory Department of the University--Democrats Refuse to Help Count the Ballots in Kidd Case.

Special Dispatch to the Intelligencer. CHARLESTON, W. Va., Feb. 3.--The report of the constitutional commission is going to have some pretty rough sledding. If it ever goes through the fire of amendments that is in store for it in both houses, it will scarcely be recognizable when it comes out. The fight is going to be non-partisan.

Yesterday, when the report was taken up, the opposition manifested itself at the very start. It came from Mr. Ashby, of Kanawha, who opposed the clause, making cases that are tried in justices' courts before juries appealable. In this opposition, however, Mr. Ashby did not meet with much support, as this amendment is considered by many as one of the wisest suggested by the commission.

There are now two propositions before the house in regard to the constitution. One, the recommendation of the commission, is to submit the report, if it is adopted, to a vote of the people. The other is a bill introduced by Mr. Ashby, providing for a constitutional convention. The plan of those favoring this proposition is to have a convention to consist of fifty-one delegates--three from each senatorial district and twelve from each congressional district.

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W. & L. E. CONSOLIDATED.

With the Cleveland, Canton & Southern--The Wheeling Officials Would Not Deny the Story--Herrick Engineers the Deal.

The rumored consolidation of the Wheeling & Lake Erie and the Cleveland, Canton & Southern seems an assured fact, says an Associated Press dispatch from Toledo received this morning. The rumor was current among railroad officials in Toledo yesterday, and the Wheeling officials, when pressed, would not deny that the deal is in progress. It is said here that Myron T. Herrick is financing the deal.

The Cleveland, Canton & Southern owns and operates a road from Cleveland to Zanesville, 145 miles; Canton to Sherrodsville, 45 miles; other branches, 16 miles, and leases the Massillon road, 10 miles, to the Cleveland, Canton & Southern. J. W. Wardwell is its receiver.

The Wheeling & Lake Erie owns from Toledo to Bowlerston, 174 miles, and from Toledo to 13 miles; Wheeling division, 26 miles; Martin's Ferry, 43 miles; Steubenville branch, 14 miles; Toledo belt line, 4 miles; total mileage, 217 miles. M. T. Herrick and Robert Bicknell are the owners. The road is set for February 7, at Toledo.

The consolidation of the two will give the Wheeling & Lake Erie its own line into Cleveland. Both are coal roads principally.

DELLENBAUGH'S CASE.

The Court Decides to Hear all the Evidence in the Matter. CLEVELAND, O., Feb. 3.--State Senator Burke was recalled to the stand for cross examination by the defense to-day in the disbarment proceedings against Judge P. E. Dellenbaugh. He was shown the Manning divorce decree and said that the "O. K." appearing upon it was his own when he gave it to Judge Dellenbaugh.

Burke said that notes for about \$600 were given for fees in the Manning divorce case, and that Judge Dellenbaugh received no part of the \$200 that was paid. Thereupon Judge Boynton moved that the chief charge of the specification that money was extorted from Judge Doe be dismissed, and that the defendant be discharged. Judge Boynton in support of his motion said that Burke, who was called to the stand, had admitted that he had positively testified that he had made no threats to expose Jane Doe if she did not make a settlement.

Indeed, when the report arrived that General Gomez had accepted Mr. Porter's proposition on behalf of the President, many doubted it, refusing to believe that he would act in this fashion.

EX-SENATOR BUTLER DEAD.

A Prominent Democrat of Eastern Panhandle--Member of the Famous John Brown Grand Jury. Special Dispatch to the Intelligencer. CHARLES TOWN, Feb. 3.--Hon. Charles T. Butler, a prominent citizen of Jefferson county, who resides near Shepherdstown, died yesterday at the Butler Hotel, in Shepherdstown, after a short illness from kidney trouble, aged seventy-three years. In 1876 he was elected to the state senate from the Twelfth senatorial district, and served a term of four years.

In 1880 he was re-nominated, but owing to the dissatisfaction in the Democratic party he was defeated by Major Samuel D. Morgan, of Morgan county, who ran as an independent Democrat.

He was foreman of the grand jury that tried the case of John A. Cook, who was tried at the same term of court with John Brown, and he was the last survivor of the jury.

Pennsylvania Deadlock. HARRISBURG, Pa., Feb. 3.--There is still no change in the senatorial situation. Senator Quay was fourteen votes short to-day of the number necessary to elect. This is due to the absence of two of his friends without a pair. There are no signs of an immediate break of the deadlock, and it may not be before next Tuesday. The Democrats and Republican have decided to remain away from the joint assembly to-day and to-day, which means that there will be no quorum. The result of the voting of today follows: Quay, 69; Jenks, 53; Dalzell, 12; Stone, 5; Huff, 7; Irons, 3; Widener, 2; Rice, 1; Ritter, 2; Groves, 2; Stewart, 7; total, 164. Necessary to choice, 53. Paired, 84; absent without pairs, 2. No election.

A Queer Quay Statement. HARRISBURG, Pa., Feb. 3.--The managers of Senator Quay's canvass for re-election to-night gave out an affidavit signed by W. E. Leininger, a Philadelphia detective, charging certain persons interested in the candidacy of Dr. Weiss, the anti-Quay candidate for senator, with the crime of furnishing money and whiskey to voters. Leininger alleges that he was paid \$75 by George Woomer, of Lebanon, with the instruction to use the money among voters and that Woomer admitted to the affidavit that he had furnished money and whiskey to political workers to induce voters in favor of Dr. Weiss. The Quay managers say they will furnish money and whiskey to voters.

St. Louis Exposition. WASHINGTON, Feb. 3.--A committee of prominent citizens of St. Louis called at the white house to-day and in an interview with the President explained the situation of the exposition in the interest of an exposition at St. Louis in 1903 in celebration of the Louisiana purchase. The President expressed his approval of the project, and said he would be willing to assist the gentlemen having it in charge in any proper way. The committee stated that they had expected to secure from private subscriptions at least \$5,000,000, as a loan or otherwise, from the city of St. Louis, and at least \$5,000,000, as a loan or otherwise, from the National Congress, in an absolute guarantee of \$10,000,000 in all, otherwise they would give up the enterprise. They had no doubt, however, that this amount would be forthcoming.

Woodford's Apology. WASHINGTON, Feb. 3.--A letter to Secretary of the Navy Long written by the Hon. Stewart L. Woodford is made public by consent of Secretary Long. The former ambassador says the statement of the committee of the Ohio voters concerning the supply of ammunition in the navy during the war are erroneous. He adds: "I meant no criticism of Captain O'Neill, nor the ordinance bureau, nor the navy, but said what I did in intentional and hearty praise of yourself and your department."

Taken Definite Form. CINCINNATI, O., Feb. 3.--As a result of the consolidation of the Matlock Company, of Trenton, N. J., and the American Pottery Company, the deal to re-organize the latter company is taken definite form. It is said to have been taken definite form, with the prospect of being closed within a few days.

THE OPPORTUNITY

Of The United States as Commissioner Porter Sees It. THE POLICING OF THE ISLAND. Of Cuba Should be Accomplished Immediately, and Should be Done by The Cubans Themselves--The Bulk of the American Soldiers Must be Taken out of Cuba by April--Feeling of Distrust has Been Temporarily Checked.

HAVANA, Feb. 3.--Mr. Robert P. Porter before sailing for Miami, made the following statement to the correspondent of the Associated Press: "While the situation here has been improved and simplified by the declaration of General Gomez, that he will immediately take part in the pacification of Cuba, the advantage thus gained should be followed up by the American authorities by the entire policing of the island. The policing of the island should be done by the Cubans themselves. The real police work is, in fact, now in the hands of Cuban soldiers and law and order are well maintained. There should not be a moment's delay in the organization and equipment of these civil guards."

The bulk of the American soldiers must be taken out of Cuba by April. There is really no necessity for more than a few regiments of American troops to serve as a background of support for the Cuban police. In giving the best of these people employment, all the more will be left with the relief fund for those who must be helped back to the land.

The feeling of distrust between the Cubans and the Americans has been temporarily checked by the message of General Gomez to President McKinley and the President's reply through Secretary Hay. If the younger military elements of both armies will not get together and cooperate in several schemes for policing the provinces, which at this moment are awaiting crystallization, the problem will be solved only by the withdrawal of the army. If such men as General Gomez, General Montenegro, of Santa Clara province, General Ymaza Rodriguez, of the province of Pinar del Rio, General Pedro Betancourt, of Matanzas province, and others, whom I know personally, will assure President McKinley and Governor General Brooke that law and order will be maintained, their pledge will be carried out at any cost.

Among the Cuban leaders who have given expression to their views on the subject, it is asserted that General Gomez has been very frank in his confidence and when the guests were ordered on their accustomed morning duties they were driven back into the house by some traveling men begged to be permitted to go to the city and to leave the city by the first train or on foot if necessary.

Several daring fellows, who preferred any sort of adventure to the safe life of the city, slipped out the skylight, scaled the adjacent roofs, and making their way through the snow and ice over the houses, managed to reach the ground in safety after a narrow escape. A number of Chicago and St. Louis traveling men are in the hotel. Just who they are nobody cares to examine, but the register just at present is found out.

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VERY HIGH SOUNDING

Is the Statement of the Filipino Junta at Hong Kong--Hely on Anti-Treaty Senators for Hope. HONG KONG, Feb. 2.--The Filipino Junta here has issued the following statement: "Simultaneously with the proclamation of the republic, Aguinaldo released the Spanish war prisoners as an act of grace."

"The Spanish imposition of the poll tax is enforced by the Americans with greater severity. Formerly the poorest paid \$2 and the rich \$37. Now the lowest pay \$5 and the richest \$108, which is greatly exasperating the people. "Gambling, cock fighting, bribing, squeezing and the Americans' abuse of motions are causing demoralization. The Spanish corrupt, despotic system seems to be the moral of the American executive."

"The Manila Filipinos are indignant at the notion of the American Junta that they will tamely submit to be experimented with by amateur colonial administrators, and hope the decision of the United States senate on Monday will be of a nature to satisfy their aspirations as frequently expressed."

MRS. GEORGE'S CASE. The Alleged Slayer of Saxton will Have to Stand Trial. CANTON, O., Feb. 3.--Judge Taylor overruled the motion to quash the indictment against Anna E. George. Attorney Sterling was not in court. Attorney Wally noted exceptions to the ruling and gave notice of the filing of a plea in abatement. This plea will probably be filed next week. Mrs. George came in court.

During the hour that Judge Taylor was delivering his opinion, the court room was packed, four young ladies being in attendance. Judge George appeared in good spirits and when the decision was announced seemed in no way affected. The proceedings to-day virtually amount to a postponement of the actual trial for a few days.

HOTEL QUARANTINED. On Account of the Outbreak of Smallpox--Quarantine. CHICAGO, Feb. 3.--A special to the Record from Omaha says: "The spectacle of an entire hotel full of guests being quarantined and armed policemen standing at every door and waiting to prevent anyone from leaving, is presented in Omaha to-night. This morning three well-defined cases of smallpox were discovered at the Vendue Hotel in the center of the city. The health department was notified, and plans were quickly decided upon for quarantining the place. A squad of armed policemen raced to the scene and when the guests were ordered on their accustomed morning duties they were driven back into the house by some traveling men begged to be permitted to go to the city and to leave the city by the first train or on foot if necessary."

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TREND OF TRADE

The Failure Record for January Makes a Good Showing. VERY ENCOURAGING EXHIBIT. The Week has Been the Decline of Five Cents in Wheat--Strong Market for Cotton Goods--The Iron Industry is Advancing Prices of Products Rather Than Materials--Rush of Orders Does Not Cease and Mills Have Engagements for Months Ahead.

NEW YORK, Feb. 3.--R. G. Dun's & Co.'s weekly review of trade will say, to-morrow: "Failures in January were smaller than in any previous month except August, 1898, and July, 1897, and the proportion of solvent payments to clearing house exchanges is smaller than in any other month of which records exist. In January there were but 55 cents per \$1,000 clearing house payments, and the smallest in any previous month had been about \$1.08 per \$1,000. The defaulted liabilities were \$7,721,897, against \$10,451,615 last year, a decrease of 25 per cent., and 68 per cent. smaller than in 1897, 57 smaller than in 1896, 50 per cent. smaller than in 1895 and 76 per cent. smaller than in 1894. The manufacturing failures were the smallest, excepting August, 1898. There were only seven failures for \$100,000 or more, and the average of liabilities per failure is smaller than in January of any other year, and the small failures are not only fewer in number, but smaller in average liabilities than in any previous year. Considering that January is usually one of the largest months of the year in volume, the returns are surprising as well as encouraging."

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